



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,343	06/23/2003	Kotaro Kashiwa	450100-04606	2023
7590 10/17/2008 FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE NEW YORK, NY 10151				
EXAMINER				
JONES, HEATHIER RAE				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
10/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,343

Applicant(s)

KASHIWA, KOTARO

Examiner

HEATHER R. JONES

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-45 and 58-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-45 and 58-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 and 25 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 3, 2008 have been fully considered but they are not persuasive.

The Applicant argues that neither Seki et al. nor Foreman et al. disclose enabling the editing of the selected template to alter the number of scenes in the template. The Examiner respectfully disagrees. Foreman et al. discloses selecting a template (storyboard) as shown in Fig. 5 and further discloses in paragraphs [0044]-[0046] that the user can delete and add different scenes (shots) in the storyboard. Therefore, by adding and deleting scenes in the storyboard, Foreman et al. meets the claimed limitation of editing the selected template (storyboard) in order to alter the number of scenes (shots) in the template (storyboard) and the rejection is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 15-45, and 58-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. (U.S. Patent 7,154,534) in view of Foreman et al. (U.S. Patent Application Publication 2001/0040592).

Regarding claim 1, Seki et al. discloses a content project creating method comprising the steps of: selecting a template from a plurality of templates, each template containing a setting of a scene arrangement of a plurality of scenes of content (Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32); producing scene setting data for a scene included in the template selected in the selecting step by setting details of the scene using existing material data or newly created data (col. 30, lines 29-40); and outputting content project data constructed by managing the edited scene setting data on the basis of the scene arrangement set in the template (col. 30, line 65 – col. 31, line 5). However, Seki et al. fails to disclose enabling the editing of the selected template to alter the number of scenes in the template; and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing, and wherein the template includes a timeline set prior to editing for each scene and audio setting based on the timeline.

Referring to the Foreman et al. reference, Foreman et al. discloses a content project creating method comprising providing templates; enabling the editing of the selected template to alter the number of scenes in the template (Fig. 5; paragraphs [0044]-[0046] – adding and deleting scenes from the storyboard (template)); and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing, and

wherein the template includes a timeline set prior to editing for each scene and audio setting based on the timeline (Fig. 5; paragraph [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided templates depicting scene arrangement sequences for the plurality of scenes set in advance for a story structure of the video content as disclosed by Foreman et al. with the templates disclosed by Seki et al. in order create personalized video presentations that tell a story and to allow the user filming the story to have a clear idea of what to shoot, how to shoot, and for how long.

Regarding claim 2, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 1, as well as the method further comprising the step of setting details of audio in accordance with the scene arrangement set in the template or in association with each of the scenes (Foreman et al.: Figs. 5 and 12; paragraphs [0040] and [0066]).

Regarding claim 3, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the method further comprising the step of setting details of image processing in accordance with the scene arrangement set in the template or in association with each of the scenes (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim 4, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 1, including the step of

changing the scene arrangement set in the template (Foreman et al.: Figs. 5 and 9; paragraphs [0040] , [0057], and [0058]).

Regarding claim 5, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 1 including that in the content project data outputting step, the content project data is read (Seki et al.: col. 30, line 65 – col. 31, line 5).

Regarding claim 6, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 1, including that in the content project data is recorded on a recording medium (Fig. 2; paragraph [0036]).

Regarding claim 7, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 1 including that the content project data outputting step, the content project data is transmitted (Seki et al: col. 30, lines 65-67).

Regarding claims 15-21, these are program recording medium claims corresponding to the method claims 1-7. Therefore claims 15-21 are analyzed and rejected as previously discussed with respect to claims 1-7. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claim 22, Seki et al. discloses an imaging apparatus comprising: imaging means (102) for capturing an image and generating a video image signal; processing means (115) for processing the video image signal; obtaining means (109) for obtaining content project data in form of a template

selected from a plurality of templates, each template including scene setting data for each scene included in a scene arrangement of a plurality of scenes of content; display control means for displaying details of the content project data on a display device (104); and imaging control means (112) for controlling selection of a scene of the content project data, the capturing of the image by the imaging means, and the processing of the video image signal by the processing means (col. 11, line 45 – col. 13, line 61). However, Seki et al. fails to disclose template editing means for editing of the selected template to alter the number of scenes in the template; and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing, and wherein the template includes a timeline set prior to editing for each scene and audio setting based on the timeline.

Referring to the Foreman et al. reference, Foreman et al. discloses a content project creating method comprising providing templates; template editing means for editing of the selected template to alter the number of scenes in the template (Fig. 5; paragraphs [0044]-[0046] – adding and deleting scenes from the storyboard (template)); and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing, and wherein the template includes a timeline set prior to editing for each scene and audio setting based on the timeline (Fig. 5; paragraph [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided templates depicting scene arrangement sequences for the plurality of scenes set in advance for a story structure of the video content as disclosed by Foreman et al. with the templates disclosed by Seki et al. in order create personalized video presentations that tell a story and to allow the user filming the story to have a clear idea of what to shoot, how to shoot, and for how long.

Regarding claim **23**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 22 including that the processing means records the video image signal on a recording medium, and the imaging apparatus further comprises: management information updating means for updating management information for the content project data so that the video image signal captured by the imaging means and recorded on the recording medium by the processing means while the scene of the content project data is selected is allocated to the scene arrangement of the content project data (Seki et al.: Fig. 35).

Regarding claim **24**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication means for communicating with an outside, wherein the processing means transmits the video image signal from the communication means, and wherein the imaging control means transmits, upon transmission, from the communication means, of the video image signal captured

by the imaging means while the scene of the content project data is selected, information on the selected scene (Seki et al.: col. 12, lines 53-55).

Regarding claim **25**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claims 22 and 23, including that the obtaining means obtains the content project data recorded on the recording medium placed on the processing means (Foreman et al.: Fig. 2; paragraph [0036]).

Regarding claim **26**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 22 including that the obtaining means obtains the content project data recorded on a recording medium differing from the recording medium placed on the processing means (Seki et al.: col. 12, lines 51-60).

Regarding claim **27**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication means for communicating with an outside, wherein the obtaining means obtains the content project data received by the communication means (Seki et al.: col. 12, lines 53-55).

Regarding claim **28**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 22 including that the display control means displays the scene setting data associated with the selected scene on the display device, the displayed scene setting data serving as

the details of the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **29**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claim 22 including that upon capturing the image by the imaging means while the scene of the content project data is selected, the display control means displays, on the display device, the scene setting data associated with the selected scene and the video image signal generated by the imaging means (Seki et al.: Fig. 29).

Regarding claim **30**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the display control means displays, on the display device, a video image that includes the video image signal allocated by the management information updating means to the scene arrangement of the content project data and that is based on the content project data (Seki et al.: Fig. 29).

Regarding claim **31**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **32**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claims 22 and 24 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **33**, Seki et al. in view of Foreman et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 as well as the apparatus further comprising editing means for editing the video image signal captured by the imaging means and recorded on the recording medium by the processing means while the scene of the content project data is selected (Seki et al.: col. 30, lines 49-57).

Regarding claims **34-45**, these are method claims corresponding to the apparatus claims 22-33. Therefore, claims 34-45 are analyzed and rejected as previously discussed with respect to claims 22-33.

Regarding claims **58-69**, these are program recording medium claims corresponding to the apparatus claims 22-33. Therefore claims 58-69 are analyzed and rejected as previously discussed with respect to claims 22-33. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claims **70-72**, these are system claims comprising claims 1 and 22-24. Therefore, claims **70-72** are analyzed and rejected as previously discussed with respect to claims 1 and 22-24.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HEATHER R. JONES** whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621

Heather R Jones
Examiner
Art Unit 2621

HRJ
October 10, 2008